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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,541	03/19/2004	Peter S. Vosbikian	QUK-003	7458
26689	7590	05/02/2006	EXAMINER	
WILDMAN HARROLD ALLEN & DIXON 225 WEST WACKER DRIVE, SUITE 2800 CHICAGO, IL 60606			JACKSON, ANDRE L	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/804,541	Applicant(s) VOSBIKIAN ET AL.	
	Examiner Andre' L. Jackson	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/14/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species II (claims 18-45) in the reply filed on April 13, 2006 is acknowledged.

Claims 46-59 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Species I, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 13, 2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 18-29 and 32-43 are rejected under 35 U.S.C. 102(e) as being anticipated by USPN 6,581,776 to Zatkoff. Zatkoff discloses a kit (10) comprising the steps of;
providing a plurality of implements (Figs. 10-12), each implement comprising a starter handle (52) and a working end (70), the handle including a first end and a second end and the working end including a top portion and a bottom portion, wherein the first end of the handle is attached to the top portion of the working end, wherein each of the implements includes substantially the same length, measured from the second end of the handle to the bottom portion of the working end (Fig. 2), corresponding to a first length within the range of

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about 20 inches to about 48 inches, and wherein the first length of the implements is extendable to a second length; providing a shipping container (12, 14; Fig. 1) including a dimension adapted to accommodate the first length of the plurality of implements; placing the plurality of implements in the shipping container (Fig. 2), wherein each of the plurality of implements are sized to the first length; and sending the shipping container to a destination (col. 2, lines 1-3).

As to claims 21-26 and 35-40, Zatkoff states the kit further includes at least one telescoping attachment handle (50) releasably securable to the second end of the starter handle. The telescoping attachment handle further includes an inner telescoping section (50c) including threads (66) for mating with a corresponding threaded section of the starter handle. A flute or annular groove (64) is provided at an end of the telescoping attachment handle along a grip portion (62) thereof. Lastly, Zatkoff discloses various connection methods, which allow the starter handle to be extended to a second length other than a telescoping attachment handle (col. 7, lines 35-40).

As to claims 27 and 41, the at least one telescoping attachment handle is secured to a surface (16) by grips (48) adjacent the starter handles of the implements before transporting the kit to a location.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 31, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zatkoff in view of USPN 3,359,929 to Carlson. Zatkoff, although inferred that more than one kit can be manufactured for sale (col. 7, lines 51-53) depending upon the needs of a user, Zatkoff does not specifically state providing a plurality of kits and placing the plurality of kits on a 40" x 48" pallet before transporting to a location. Carlson teaches a 40" x 48" pallet used to support goods and materials within a container for transport and handling by fork-lift machines, slings or conveyor belts. The storage and economical design of the pallet operates to reduce space while maximizing storage and heavy load requirements of a particular good or material for shipping. Therefore, it would be obvious to one having ordinary skill in the art at the time of applicant's invention for Zatkoff to manufacture a plurality of kits for sale, organized within a receptacle attach to a pallet for transport and handling during the shipping process to various locations for sale.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eatmon and Michelson et al each disclose implement kits, which may be applied singly or used in combination with one another or the prior art references used in the rejection section of this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067. The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
AU 3677

ALJ


ROBERT J. SANDY
PRIMARY EXAMINER